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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS KEITH CASEBEER,

Defendant.

No. CR 3-05-70327-EDL

~~PROPOSED~~ ORDER EXCLUDING
TIME UNDER THE SPEEDY TRIAL ACT

This matter came on the calendar of the Honorable Nandor J. Vadas on July 20, 2005 for status. The Court continued the matter until September 6, 2005 at 9:30 a.m. for further status and to set a removal hearing or for disposition under Rule 20.

The parties requested an exclusion of time under the Speedy Trial Act from July 20 through September 6, 2005 on two bases. First, counsel for the defendant, Edward Swanson, Esq., will need time to review additional discovery which has not yet been provided from the District of Guam. Second, time is excludable based upon delay resulting from the transfer of a case or the removal of a defendant from another district. See 18 U.S.C. § 3161(h)(1)(G). The

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1 parties agree that the time from July 20 through September 6, 2005 should be excluded in
2 computing the time within which trial shall commence.

3 Accordingly, the Court HEREBY ORDERS that the time from July 20 through
4 September 6, 2005 is excluded under the Speedy Trial Act as delay resulting from the transfer of
5 a case or the removal of a defendant from another district. See 18 U.S.C. § 3161(h)(1)(G).
6 Additionally, the Court HEREBY ORDERS that the time from July 20 through September 6,
7 2005 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the failure
8 to grant the requested exclusion would deny the defendant reasonable time necessary for
9 effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. §
10 3161(h)(8)(B)(iv). The Court finds that the ends of justice served by granting the requested
11 exclusion outweigh the best interest of the public and the defendant in a speedy trial and in the
12 prompt disposition of criminal cases. See 18 U.S.C. § 3161(h)(8)(A). The Court therefore
13 concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A).
14 SO ORDERED.

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16 DATED:

HONORABLE NANDOR J. VADAS
UNITED STATES DISTRICT JUDGE

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19 Approved as to form:

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21 *See tax signature*
22 EDWARD SWANSON
Attorney for Defendant

23 *Monica Fernandez*
24 MONICA FERNANDEZ
25 Assistant United States Attorney
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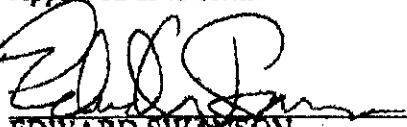
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13 concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A).
14 SO ORDERED.

15
16 DATED: 8/2/05


HONORABLE ~~NANDORI VADAS~~ EDWARD
UNITED STATES DISTRICT JUDGE M. CHAN

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18
19 Approved as to form:

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21 EDWARD SWANSON
22 Attorney for Defendant

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24 MONICA FERNANDEZ
25 Assistant United States Attorney
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